IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R. No. 1813 of 2007

DATE OF DECISION : 03.04.2007

Baldev Singh

.... PETITIONER

Versus

Banarsi Dass

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Lalit K. Gupta, Advocate,
for the petitioner.

Petitioner Baldev Singh, who is judgment debtor, has filed this petition under Article 227 of the Constitution of India for setting aside the orders dated 23.3.2007 and 28.3.2007, passed by Civil Judge (Junior Division), Dasuya, whereby the warrant of possession has been issued for 5.4.2007.

I have heard counsel for the petitioner and gone through the contents of the impugned orders as well as the petition.

In this case, in the year 1986, decree for recovery of Rs. 22,000/- was passed against the petitioner in a suit for specific performance filed by the respondent. In compliance of the said decree, the amount was not deposited by the petitioner. Thereafter, on execution, warrant of possession has been issued. At one stage, the petitioner had challenged the order dated 6.1.1995 by filing Civil revision No. 328 of 1995, which was disposed of vide order dated 1.12.1998 with the observation that since the matter has been settled by compromise, therefore, time was granted to the petitioner to pay the balance amount of Rs. 1,10,000/- on or before 30.4.1999. The said amount was also not deposited by the petitioner. Now after about eight years, when the warrant of possession has been issued, this

petition has been filed by the judgment debtor on the ground that Rs. 1,10,000/- has been deposited on 15.3.2007, therefore, the execution proceedings be stayed.

After hearing counsel for the petitioner and going through the impugned orders, I am of the opinion that the trial court has not permitted the petitioner to deposit the said amount and he himself has deposited the same at his own risk, while fully knowing that the executing court has issued warrant of possession. Thus, I am not inclined to interfere in this petition, because the petitioner himself has not complied with the earlier order passed by this court.

Dismissed.

April 03, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**